Please amend the application as follows:

In the Claims

1. (Twice amended) A pharmaceutical composition comprising a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral ~~genome~~ replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to effect an antibody subclass shift of IgG2a/IgG upon *in vivo* administration to a mammal.

5. (Amended) A pharmaceutical composition comprising a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral ~~genome~~ replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to induce production of IFN-γ upon administration to a mammal.

9. (Twice amended) A pharmaceutical composition comprising a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral ~~genome~~ replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to induce an immunological protective effect upon administration to a mammal.

12. (Twice amended) A method of treating an immunomodulatory disease in a mammal in need thereof comprising administering to the mammal an effective amount of a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral ~~genome~~ replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to effect an antibody subclass shift of IgG2a/IgG upon *in vivo* administration to said mammal.

17. (Twice amended) A method of treating an immunomodulatory disease in a mammal in need thereof comprising administering to the mammal an effective amount of a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral ~~genome~~ replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to effect a subclass shift of IgG2a/IgG and induce an immunological protective effect upon administration.

18. (Amended) A method of treating an immunomodulatory disease in a mammal in need thereof comprising administering to the mammal an effective amount of a mutated herpesvirus in a pharmaceutically acceptable carrier, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral ~~genome~~ replication to render the herpesvirus replication defective, said mutant herpesvirus having an ability to induce production of IFN-γ upon administration.

25. (Amended) A vaccine in a pharmaceutically acceptable carrier comprising a mutated herpesvirus capable of infecting a mammalian cell and of eliciting a protective immune response in a mammal vaccinated with said herpesvirus, said herpesvirus being characterized by a mutation in at least one gene encoding a protein essential for viral ~~genome~~ replication of said herpesvirus, said mutation rendering said virus replication-defective with the proviso that the herpesvirus is not a gH deletion mutant.

32. (Amended) A method of immunizing a mammal comprising administering to said mammal a vaccine comprising a mutated herpesvirus capable of infecting a mammalian cell and of eliciting a protective immune [resonse] response upon administration, said herpesvirus having a mutation in one or more genes encoding a protein essential for viral ~~genome~~ replication to render the herpesvirus replication defective.

37. (Amended) A method of inducing an immune response against herpesvirus in a mammal comprising administering to said mammal a vaccine comprising a mutated herpesvirus, said herpesvirus having a mutation in one or more genes encoding a protein essential for viral ~~genome~~ replication to render the herpesvirus replication defective.

REMARKS

Claim Rejections under 35 U.S.C. § 112

Claims 1-3, 5-7, 9, 12-14, 16-20, 22, 25, 26, 31-34, 36-39, and 41 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a composition and method of treatment of a herpesvirus having a mutation in the gene encoding ICP8 or ICP27 does not reasonably provide enablement for broadly claiming a herpesvirus having a mutation